

THE WHITE HOUSE
WASHINGTON


July 27, 1971

Dear Francis:

Thank you for your July 8 letter with its post-announcement postscript. As you can imagine, the whole question of security procedures is under intensive review, and your views are both timely and welcome.

I enjoyed our lunch and hope to see you again soon.

Warm regards,


Henry A. Kissinger

Professor Francis M. Bator
John F. Kennedy School of Government
Harvard University
125 Littauer Center
Cambridge, Massachusetts

ON-FILE NSC RELEASE
INSTRUCTIONS APPLY

MEMORANDUM

NATIONAL SECURITY COUNCIL

30661

July 23, 1971

MEMORANDUM FOR MR. KISSINGER

FROM: Jeanne W. Davis

SUBJECT: Francis Bator Writes on Security Clearances

Francis Bator has written you (Tab B) to plead that the security clearances of "the right set of outsiders" (he modestly includes himself along with Dean Acheson and John McCloy) not be limited in reaction to the Ellsberg affair. In a postscript added several days after the original letter, he congratulates you on the Peking trip and stresses the necessity of reassuring Moscow.

I have prepared a non-substantive reply for your signature (Tab A).

RECOMMENDATION:

That you sign the reply at Tab A.

Attachment

HARVARD UNIVERSITY

JOHN FITZGERALD KENNEDY SCHOOL OF GOVERNMENT

30661

FRANCIS M. BATOR
Professor of Political Economy

July 8, 1971

125 LITTAUER CENTER
CAMBRIDGE, MASSACHUSETTS

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Dear Henry:

Thanks again for lunch.

I am troubled by the story on the alleged White House instructions on clearances. If, in response to Dan Ellsberg's performance, the government now goes in for massive surgery, cutting out outsiders via the security-clearance route, the cost to the country could become very large indeed. No one understands better than you the case for keeping the right set of outsiders accessible on short notice. As a general rule, that requires that their clearances be kept by and large up to date. I don't suppose that people like Schelling, Kaysen, Neustadt, etc. have looked at a classified document in many a month. Certainly I have not. However, as long as our clearances are current and on the books, the government can, if it wishes, call us in at a moment's notice without the nuisance, expense, and -- unless one goes to special trouble -- delay involved in re-clearing, with a full field investigation etc. (The full cost of a full field, when I last knew, came to about \$10,000).

The mere process of being forced to make out all those bloody forms for the umpteenth time, being finger-printed so that the government can add a 27th copy of one's fingerprints to its files, and being submitted to the indignity of having some nice man asking one's neighbors, cleaning ladies, etc. about whether one has turned into a lush -- would be sufficient to cause many of us who have too long a record of involvement and discretion lightly to suffer such nonsense, to turn down routine requests for help.

Obviously the government should periodically recheck people who hold high clearances. Equally obviously, in deciding on such audits, it should exercise some judgment about who is who. I am not sure I would bother to recheck Dean Acheson or Jack McCloy, or even Kaysen and myself -- unless we turn up making speeches, eyes bulging, on Hyde Park corner.

None of this argues against the application of "need-to-know" as a test, though even there, one would want to take into account the usefulness of keeping the right set of outsiders who don't have an operationally definable need-to-know casually informed. But application of the need-to-know standard, especially strict application -- by people

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inside the government who have substantive responsibility for policy -- should make it less dangerous to keep the inventory of cleared people quite large. Since clearance does not imply a need-to-know, it does not imply access. On the other hand, if a need-to-know does arise, a clearance becomes necessary. And the need-to-know rule has the enormous advantage that the judgment whether X, Y, or Z should or should not be informed or consulted on a particular issue is made by the responsible substantive officer of the government and not by the security apparatus whose business it is to identify people who might not be able or willing to keep their mouths shut.

One last point. Once the government has pared down the inventory of cleared people, it becomes subject to more intense temptation to use the clearance machinery for political purposes. It is relatively harder for a new administration to cancel people's clearances for political reasons, than to deny clearance to anyone not cleared. This applies especially to younger and middle level people, who do not have personal access to the center of the government or the "establishment", and cannot protect themselves (and hence the government) against the misuse of clearance-denial by personally taking the matter to the top.

The danger is that good people will be excluded from the circle of informed and useable outsiders -- or precluded from going in -- and I have in mind the many people who are not in a position to write or telephone a Henry Kissinger, or a Richard Helms, or even to get wind of the possibility that a flag has been placed on their folders.

Obviously, all this touches on the related question of what the government does to organizations like Rand and IDA. I need not labor the point to you that it would be a minor catastrophe if such places were seriously damaged.

I am quite aware that no one who sits where you sit enjoys involving himself in this sort of question. I tried to avoid it when I was there -- though in many cases I couldn't and had to take on my Texas friend Marvin (who, I should say in all fairness, responded perfectly sensibly, once I had made the case and was on record). But over the long pull, all this could become serious if it is handled by people who interpret a natural Presidential reaction to the Ellsberg business too literally. It seems to me that you, Dick Helms, and if one could engage him, Bill Rogers, would

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be in a strong position to make the case against overreaction. Obviously, once again, the keys are (1) the distinction between clearance and need-to-know, and (2) a better procedure for updating clearances. *

With warm regards,

Henry

P.S. July 9: Incidentally, after I first dictated this letter yesterday, I came up with a case in point. I was asked to testify next week by John Culver's subcommittee on the effects on the U.S. of British entry and all that. My fellow panelists are scheduled to be Orville Freeman, Robert Woodcock, Van Cleveland and Ed Dale. Under the circumstances, it is surely useful that I am in a position to ask Dean Hinton in Peterson's office and/or Hal Sonnenfeldt and/or people in EUR and in E to brief me on the state of play, and on a lot of technical detail contained in classified government staff work. Not that I will use the material directly. But it will put me in a position better to defend what I understand to be the Administration's position against the protectionists and the people who have a soybean theory of national power. In this instance, the initiative for getting briefed has come from me. Obviously, it is equally useful for senior and even middle level people in USG to be in a position to draw in outsiders for help or advice without a lot of prior or even concurrent foolishness with still another clearance.

P.P.S. July 16: That was quite an announcement last night. Congratulations. I assume that you are going out of your way to administer large weekly doses of high-powered tranquilizer to Moscow. They are a good deal more neurotic about Peking than we ever were -- and that's saying a lot. Changing the metaphor, it will take a lot of Presidential massage to reassure them that we are not trying to play cute games. Their hawks will certainly try to capitalize -- in the Kremlin's internal politics -- on the fact that the U.S. President has decided to go to Peking first.

* Henry - I will also send a note on this to Dick Helms -- he could be useful to you on this.

F.